

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FREDRICK M. SEMBLER,

Petitioner,

-against-

ADVANTA BANK CORP.; ATTENTION FUNDING
TRUST a/k/a ATTENTION FUNDING & TRUST;
ATTENTION, LLC a/k/a WEST ASSET MANAGEMENT,
INC.; and SHARINN & LIPSHIE, P.C.,

Defendants.

ORDER

07 CV 2493 (RJD)

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DEARIE, Chief Judge.

On May 21, 2008 Magistrate Judge Lois Bloom issued a Report and Recommendation ("report"), which was served upon the parties that day via the Court's Electronic Document Filing System. Plaintiff filed objections to the report on June 6, 2008. Objections to Magistrate Judge recommendations are to be filed within ten days of service. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2). Excluding weekends and Memorial Day, May 26, 2006, Fed. R. Civ. P. 6(a), plaintiff's objections were due on June 5, 2008. No motion to extend time has been made. Plaintiff's objections are therefore untimely and for that reason not considered.

The recommendation is adopted without qualification. Plaintiff's action against defendant Advanta is dismissed. As set forth in the Report, Plaintiff is ordered to file a Second Amended Complaint concerning defendant West within twenty days of this order.

SO ORDERED.

Dated: Brooklyn, New York
June 11, 2008

s/RJD

RAYMOND L. DEARIE
United States District Judge